

1 JORGE L. SANCHEZ, ESQ.
 2 Nevada Bar No. 10434
 3 SANCHEZ LAW GROUP, LTD.
 4 930 South Fourth Street, Suite 211
 5 Las Vegas, Nevada 89101
 6 Phone (702) 635-8529
 7 Attorney for Debtors

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:)	BK-09-24048-MKN
)	
MANUEL G. & ADELA R.)	CHAPTER 13
GUTIERREZ,)	
)	DATE: December 2, 2009
Debtors.)	TIME: 1:30 p.m.
)	

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OPPOSITION TO MOTION FOR RELIEF FROM STAY

COME NOW the above-named debtors, Manuel G. & Adela R. Gutierrez (hereinafter, the “**Debtors**”), by and through their attorney of record, Jorge L. Sanchez, of the law firm of Sanchez Law Group, Ltd., and hereby file the instant Opposition to the Motion for Relief from Stay filed by the secured creditor, Wells Fargo (hereinafter “**Wells Fargo**”), in regards to the Debtors’ real property located at 3700 Bach Way, North Las Vegas, Nevada 89032 (the “**Subject Property**”). In support thereof, Debtors state as follows:

1. That on August 3, 2009, Debtors, by and through their counsel of record, petitioned this court for relief under Title 11 with a Chapter 13 bankruptcy filing.
2. That the Subject Property in issue is necessary for an effective reorganization of Plaintiff’s assets under Chapter 13 of the United States Bankruptcy Code.
3. That the Debtors filed a Motion to Value Collateral of the Subject Property on October 24, 2009. See Motion to Value Collateral, Docket No. 28.
4. That the hearing on the Motion to Value Collateral is scheduled for December 3, 2009. See Notice of Hearing, Docket No. 29.

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 LAS VEGAS, NEVADA 89101
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1 5. That the Debtors are post-petition current on all of their payments to the Trustee.

2 See attached Exhibit A.

3 6. That it is fair and equitable to maintain the automatic stay over the Property
4 because Secured Creditor's interest will be adequately provided for in Debtors' Chapter 13
5 payment plan.

6 7. That Secured Creditor will avoid substantial costs and fees associated with
7 foreclosing their interest on the property if the property remains within the bankruptcy estate.

8 See Secured Creditor's Motion for Relief from the Automatic Stay.

9 10 WHEREFORE, the Debtors pray this Court:

- 11 A. Deny Secured Creditor's motion for relief from automatic stay;
12 B. Deny Secured Creditor's request for attorney fees and costs in bringing its motion
13 for relief from stay;
14 C. Award Debtor attorney's fees for opposing Secured Creditor's motion for relief
15 from automatic stay; and
16 D. For such other relief as this Court may deem just and proper.

17 19 Dated this the 24th day of November, 2009.

20 21 /s/Jorge L. Sanchez, Esq.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Opposition to Motion for Relief from Stay was sent on November 24, 2009, electronically via the Court's CM/ECF system to the following:

Kathleen Leavitt
Chapter 13 Trustee

Gregory L. Wilde, Esq.
Wilde & Associates
208 South Jones Boulevard
Las Vegas, Nevada 89107

/s/Brandy Goodwin/s/
An employee of Sanchez Law Group

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